



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/747,871
Applicant : **Andrew R. JAMIESON**
Filed : December 29, 2003
Title : **STRAWBERRY VARIETY NAMED 'SABLE'**
Group Art Unit : 1661
Examiner : Wendy C. Haas

REQUEST FOR SUSPENSION OF ACTION UNDER 37 C.F.R. § 1.103

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests that action by the Patent and Trademark Office be suspended on the above-identified plant patent application for a period of six months.

The patentability of a claim to a plant variety described in a printed publication and publically available outside the United States (as in the above-identified application) will be determined by the Court of Appeals for the Federal Circuit. The Federal Circuit will hear arguments on April 9, 2004 regarding the new interpretation by the Patent and Trademark Office of 35 U.S.C. § 102(b), as it relates to plant patents. Thus, Applicant requests suspension of action in the present application until the Federal Circuit renders a decision. Applicant believes that a decision will be reached within the next six months and that the decision will determine the outcome in the present application.

A check to cover the required fee under 37 C.F.R. § 1.17(i) is enclosed.

Accordingly, it is respectfully requested that this Request for Suspension of Action be granted.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 30, 2004.

Theresa Ulinski
(Name of Person Mailing Paper)
Theresa Ulinski
Signature Date 03/30/2004

By

Russell D. Orkin
Russell D. Orkin
Registration No. 25,363
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com